

*Town of Cheswold*  
1856



*State of Delaware*  
1787

**TOWN of CHESWOLD**  
**MINUTES of PUBLIC HEARING**  
**Thursday – October 13, 2022**  
**691 Main Street**  
**Cheswold, Delaware 19936**  
**5:00 p.m.**  
**ZOOM Teleconference**  
**1-929-205-6099 Meeting ID: 9728359352#**  
**<https://us02web.zoom.us/j/9728359252>**

The meeting was called to order by Chairperson Carl Schultz at 5:03 pm and he requested Land Use Administrator Sam Callender to conduct the Public Hearing as required.

Ms. Callender requested all attendees to follow in the Pledge of Allegiance and a Moment of Silence.

She noted that the meeting was properly posted on September 30, 2022 and the agenda properly posted on October 6, 2022.

She followed with a roll call and acknowledged that the following Planning Commissioners were in attendance:

Chairperson Carl Schultz - Present  
Vice Chair - Reg Valentine - Present  
Commissioner Barbara Cooper- via ZOOM  
Commissioner David Naples- via ZOOM

ZOOM attendees were:

Mr. Max Walton, Esquire – Town Land Use Attorney  
Mr. Stephen Williams (Parker’s Run)  
Mr. Tolano Anderson (Crossroads Christian Church)

Ms. Callender requested the Commissioners to review the agenda and either accept it as presented or recommend changes, corrections or revisions. Commissioner Dave Naples made a motion to accept the agenda as presented and Chairperson seconded the motion. The motion was then subsequently passed by a unanimous roll call vote.

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Ms. Callender then provided a synopsis of the following information concerning Public Hearings:

- a. **Public Hearings in General** - A public hearing is also a public meeting, in that the hearing is subject to the State of Delaware Open Meetings Act, whereby the public is allowed to attend, view and participate in the meeting, in order to establish and maintain an environment of transparency.

The main purpose of most public hearings is to obtain public testimony or comment. A public hearing may occur as part of a regular or special meeting, or it may be the sole purpose of a special meeting, with no other matters addressed.

- b. **Conduct of 2022, Public Hearings** – General description of code of conduct on speaking at a Public Hearing including, presentation of name and address; time limit, (3 minutes); requirement to address the topic of the Hearing only and presentation of written documents to the Secretary prior to speaking.
- c. **Purpose of October 13, 2022, Public Hearing** – For the Planning Commissioners to sit and hear comments and opinions from any concerned party regarding the following Ordinances and to obtain public opinion and legislative fact finding. Per the Town Charter, the Commissioners shall not be bound in any way, to act in response to any information or comments offered at a Public Hearing.

**Ordinances for Planning Commission Review:**

- **08-29-22-067 Ordinance to Re-Zone Parcels with Outdated M-1 Designations to I-1, (*Industrial*) Designations Consistent with the Current Land Use Ordinance and the 2020 Comprehensive Plan**

**Purpose:** This Ordinance is in accordance with the Charter and the amendment of the current 2020 Comprehensive Plan of the Town of Cheswold and is intended to provide for the rezoning designations of Map ID's identified within the Ordinance, and located in the Central Delaware Business Park, from a M-1, (*Industrial*), zoning code to the specific designation of I-1, (*Light Industrial*), zoning code to comply with the rezoning designations currently applicable to the zoning codes of the Town's Land Use Ordinance.

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**Ordinances for Planning Commission Review:** *“continued”*

- **08-29-22-068 Ordinance to Re-Zone Parcels with Outdated M-1 Designations to I-2 (Industrial) Designations Consistent with the Current Land Use Ordinance and the 2020 Comprehensive Plan**

**Purpose:** This Ordinance is in accordance with the Charter and the amendment of the current 2020 Comprehensive Plan of the Town of Cheswold and is intended to provide for the rezoning designations of Map ID’s identified within the Ordinance, and located in the Central Delaware Business Park, from a M-1, (*Industrial*), zoning code to the specific designation of I-2, (*Heavy Industrial*), zoning code to comply with the rezoning designations currently applicable to the zoning codes of the Town’s Land Use Ordinance.

- **08-29-22-069 Ordinance to Re-Zone Parcels with Outdated M-1 Designations to C-2, (Commercial) Designations Consistent with the Current Land Use Ordinance and the 2020 Comprehensive Plan**

**Purpose:** This Ordinance is in accordance with the Charter and the amendment of the current 2020 Comprehensive Plan of the Town of Cheswold and is intended to provide for the rezoning designations of Map ID’s identified within the Ordinance, and located in the Central Delaware Business Park, from a M-1, (*Industrial*), zoning code to the specific designation of C-2, (*Highway Commercial*), zoning code to comply with the rezoning designations currently applicable to the zoning codes of the Town’s Land Use Ordinance.

- **08-29-22-070 Ordinance to Amend the Town of Cheswold Land Use Ordinance to Delete Section 16-6 in its Entirety**

**Purpose:** This Ordinance is in accordance with the Charter and the amendment of the current 2020 Comprehensive Plan of the Town of Cheswold and is intended to provide for the removal of Section 16-6 in its’ entirety from the Town Land Use Ordinance which is no longer applicable due to the passage and approval of Ordinances 07-28-22-065 and 07-28-22-066

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**MEETING OPENED for PUBLIC COMMENT:**

After the introduction and purpose of the Ordinances were presented, Ms. Callender opened the meeting to receive public comment. She re-iterated that the Commissioners are not required to answer questions or to respond to comments made during the hearing, but they can be asked or presented during the following Planning Commission meeting.

**PROPERTY OWNER COMMENTS:**

Mr. Tolano Anderson introduced himself as a representative of the Crossroad Christian Church and proceeded to ask questions about the reason/s for the Ordinances and associated re-zoning.

Ms. Callender explained again that normally questions are not addressed during a Public Hearing, but flexibility will be presented as there are no other persons present to make comments.

Town Attorney Max Walton provided a historical and legal review for the Ordinance process as follows:

- The M-1, Industrial), Zoning Code is a carry-over from the 1977 Town of Cheswold Zoning Commission.
- The Town of Cheswold Land Use Ordinance was adopted in 2007 , but a vested property development rights was given to the Central Delaware Business Park.
- The Town ultimately filed a lawsuit to the Supreme Court concerning the right of the Town to zone properties within the Central Delaware Business Park and won.
- The 2020 Comprehensive Plan requires the deletion of the m-1, (Industrial) Zoning Code designation
- The M-1 Code is being replaced by an Industrial, ( I-1 and I-2), and Commercial (C-2), codes as applicable to the existing uses.
- The I-1 code is designated as Light Industrial, while I-2 is designated as Heavy Industrial and is the most intense between the two.
- The C-2 designation is defined as Highway Commercial.
- The elimination of the M-1 Zoning Code will not change any of the current uses of actively developed properties. They will become legal existing non-conforming uses.

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**PROPERTY OWNER COMMENTS:**

- The Office of State Planning Coordination has been informed that the required revision of the 2020 Comprehensive Plan will be late and the changes have been approved through PLUS.

Mr. Anderson then asked for the proposed zoning designation for the Church, as it had not been specified in the letter to the Church. Ms. Callender responded that the Church will be rezoned to I-1 Light industrial and that Mr. Anderson can review the Land Use Ordinance which is published on-line, if he would like to review the applicable uses within an I-1 Zone.

Mr. Anderson also asked how the Church could change the zoning designation if they desired to do so. Ms. Callender explained that a RE-Zoning application would have to be submitted to the Land Use Administrator reviewed by both the Administrator and the Planning Commission and referred for approval by the Planning Commission to the Town Council.

Mr. Anderson's final question was concerning the tax implications associated with the zoning re-assignment. Ms. Callender responded that the Church does not pay taxes, so there are no implications.

**ADJOURNMENT**

With no further questions or comments, Ms. Callender returned the meeting to Chairperson Schultz, who asked for a motion of adjournment. Such motion was made at 5:30 p.m., by Commissioner Naples with a second from Commissioner Cooper. A roll call vote adjourned the meeting..

*Submitted by: Secretary/Treasurer Sam Callender – October 21, 2022*